



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Details (With Text)

**File #:** O2022-1253  
**Type:** Ordinance                      **Status:** Passed  
**File created:** 4/27/2022              **In control:** City Council  
**Final action:** 5/23/2022

**Title:** Expenditure of additional Open Space Impact Fee funds for reimbursement of environmental remediation costs associated with Garfield Park Eco Orchard on vacant City parcels on Fifth Ave between S Kedzie Ave and S Mozart St and at 3013 W Fifth Ave

**Sponsors:** Lightfoot, Lori E.

**Indexes:** Open Space Impact Fees

**Attachments:** 1. O2022-1253.pdf

Date	Ver.	Action By	Action	Result
5/23/2022	1	City Council	Passed	Pass
5/11/2022	1	Committee on Special Events, Cultural Affairs and Recreation	Recommended to Pass	
4/27/2022	1	City Council	Referred	

OFFICE OF THE MAYOR  
CITY OF CHICAGO

LORI E. LIGHTFOOT

MAYOR

April 27, 2022

TO THE HONORABLE, THE CITY COUNCIL OF  
THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith ordinances authorizing the expenditure of Open Space Impact Fee Funds for environmental cleanup and floating garden projects.

Your favorable consideration of these ordinances will be appreciated.

## ORDINANCE

WHEREAS, the City of Chicago (the "City"), is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is authorized under its home rule powers to regulate the use and development of land; and

WHEREAS, it is a reasonable condition of development approval to ensure that adequate open space and recreational facilities exist within the City; and

WHEREAS, on April 1, 1998, the City Council of the City (the "City Council") adopted the Open Space Impact Fee Ordinance codified at Chapter 18 of Title 16 (the "Open Space Ordinance") of the Municipal Code of Chicago (the "Code") to address the need for additional public space and recreational facilities for the benefit of the residents of newly created residential developments in the City; and

WHEREAS, the Open Space Ordinance authorizes, among other things, the collection of fees from residential developments that create new dwelling units without contributing a proportionate share of open space and recreational facilities for the benefit of their residents as part of the overall development (the "Fee-Paying Developments"); and

WHEREAS, pursuant to the Open Space Ordinance, the Department of Finance ("DOF") has collected fees derived from the Fee-Paying Developments (the "Open Space Fees") and has deposited those fees in separate funds, each fund corresponding to the Community Area (as defined in the Open Space Ordinance), in which each of the Fee-Paying Developments is located and from which the Open Space Fees were collected; and

WHEREAS, the Open Space Ordinance requires that the Open Space Fees: (i) be used for open space acquisition or capital improvements, or both, which provide a direct and material benefit to the new development from which the fees are collected; and (ii) be expended within the same or a contiguous Community Area from which they were collected after a legislative finding by the City Council that the expenditure of the Open Space Fees will directly and materially benefit the developments from which the Open Space Fees were collected; and

WHEREAS, the Department of Planning and Development ("DPD") has determined that the Fee-Paying Developments built in the East Garfield Park Community Area have deepened the already significant deficit of open space in that Community Area, which deficit was documented in the comprehensive plan entitled "The CitySpace Plan," adopted by the Chicago Plan Commission on September 11, 1997, and adopted by the City Council on May 20, 1998, pursuant to an ordinance published at pages 69309 - 69311 of the Journal of the Proceedings of the City Council (the "Journal") of the same date; and

WHEREAS, DPD has proposed to develop East Garfield Park Community Eco Orchard on vacant City-owned parcels along the northern- and southern-sides of Fifth Avenue between Kedzie Avenue and Mozart Street in the East Garfield Park Community Area, and on the parcel commonly known as 3013 W. Fifth Avenue (PIN 16-13-115-009);

subject to final title commitment and survey, the "NeighborSpace Parcel"), which is owned by NeighborSpace, an Illinois not-for-profit corporation ("NeighborSpace") (such development, the "Project"); and

WHEREAS, the Project's southern site is being developed through an Intergovernmental Agreement between the City and the Metropolitan Water Reclamation District of Greater Chicago (the "MWRD") dated as of November 5, 2019 (the "MWRD IGA"); and

WHEREAS, NeighborSpace is dedicated to preserving and creating open space;  
and

WHEREAS, the City previously authorized \$500,000 in Open Space Fees to NeighborSpace for the Garfield Park Eco Orchard in an ordinance published at pages 68047 - 68050 of the Journal on February 28, 2018; and

WHEREAS, the City desires to grant NeighborSpace funds from Open Space Fees to pay or reimburse NeighborSpace for environmental remediation costs for the Project; and

WHEREAS, DPD wishes to make available to NeighborSpace proceeds from the Open Space Fees collected by DOF in a total amount not to exceed \$111,068 from the East Garfield Park Community Area to be used for the Project; and

WHEREAS, DPD has determined that the use of the Open Space Fees to fund the Project will provide a direct and material benefit to each of the Fee-Paying Developments from which the Open Space Fees were collected; and

WHEREAS, DPD has determined that Open Space Fees to be used for the purposes set forth herein have come from the specific fund set up by DOF for the East Garfield Park Community Area in which the Fee-Paying Developments are located and from which the Open Space Fees were collected; and

WHEREAS, DPD has recommended that the City Council approve the use of the Open Space Fees for the purposes set forth herein through this ordinance; and

WHEREAS, DPD has recommended that the City Council make a finding that the expenditure of the Open Space Fees as described herein will directly and materially benefit the Fee-Paying Developments from which the Open Space Fees were collected; and

WHEREAS, Article 4 of the MWRD IGA states, in part, that "[p]rior to construction [of the Project] the City shall acquire any temporary or permanent easements, license agreements, or fee simple title as may be necessary for construction, maintenance, and access to the Project. Any property interests acquired by the City must be consistent with the District's right to access the Project to conduct an inspection or perform maintenance as set out in Article 5"; and

WHEREAS, Article 5 of the MWRD IGA, states, in part, that the MWRD shall have the right to inspect the constructed Project, and, subject to the terms of Article 5, to cause Project maintenance to be performed; and

2

WHEREAS, NeighborSpace is agreeable to granting the City an easement that encumbers the NeighborSpace Parcel for the purposes set forth in Sections 4 and 5 of the MWRD IGA, which easement also shall grant the MWRD and its contractors a right of access for inspection and Project maintenance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

SECTION 2. The City Council hereby finds that the expenditure of the Open Space Fees will directly and materially benefit the residents of those Fee-Paying Developments from which the Open Space Fees were collected and approves the use of the Open Space Fees for the purposes described herein.

SECTION 3. The Commissioner of DPD (the "Commissioner") and a designee of the Commissioner are each hereby authorized, subject to the approval of the Corporation Counsel, to enter into an agreement with NeighborSpace in connection herewith, containing such terms as the Commissioner deems necessary, and to provide Open Space Fees proceeds from the East Garfield Park Community Area to NeighborSpace in an aggregate amount not to exceed a total of \$111,068 to pay for expenses permitted under the Open Space Ordinance.

SECTION 4. Open Space Fees in the amount of \$111,068 from the East Garfield Park Community Area Open Space Fees Fund are hereby appropriated for the purposes described herein.

SECTION 5. The Commissioner, subject to the approval of the Corporation Counsel as to form and legality, is authorized to accept on behalf of the City an easement from NeighborSpace that encumbers the NeighborSpace Parcel for the construction and maintenance of, and access to, the Project, and which grants the MWRD and its contractors a right of access for inspection and Project maintenance.

SECTION 6. To the extent that any ordinance, resolution, rule, order or provision of the Code, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 7. This ordinance shall be in full force and effect from and after the date of its passage and approval.

3

**CITY OF CHICAGO ECONOMIC  
DISCLOSURE STATEMENT AND AFFIDAVIT**

**SECTION I -- GENERAL INFORMATION**

A. Legal name of the Disclosing Party submitting this EDS Include d/b/a/ if applicable:

*.fO(?/t -j LlorvrSpa cQ-^\_*

**Check ONE of the following three boxes.**

Indicate whether the Disclosing Party submitting this EDS is. 1.

the Applicant OR

2  a legal entity currently holding, or anticipated to hold within six months after City action on  
2 the contract, transaction or other undertaking to which this EDS pertains (referred to below as the  
2 "Matter"), a direct or indirect interest in excess of 7 5% in the Applicant State the Applicant's legal  
2 name  
OR " - " "

3  a legal entity with a direct or indirect right of control of the Applicant (see Section 11(B)(1)) State the legal name of the entity in which the Disclosing Party holds a right of control:

B. Business address of the Disclosing Party: 'f\*4 S \ \ <N/rr r~c^- /WP^f) ftWri

C Telephone. 9? 3 '\*2-(o '3(r) 7 Fax: QQ3 ' W"Q^?? Email, b Kd t f» (Q r\a,aIxbcY-Spdc£.

D. Name of contact person Rpia nP (p fr\ r\at v

E Federal Employer Identification No (if you have one): '

F Brief description of the Matter to which this EDS pertains. (Include project number and location of property, if applicable)

OSIF Grant Agreement for expenses at the Fifth Ave Eco Orchard located 3032-40 West Ffib-AvefwerPINS-46-43-W

G Which City agency or department is requesting this EDS? Department of Planning & Development

If the Matter is a contract being handled by the City's Department of Procurement Services, please complete the following:

Specification # and Contract #

Ver 2018-1 Paf?e 1 ofS

SECTION II - DISCLOSURE OF OWNERSHIP INTERESTS

A NATURE OF THE DISCLOSING PARTY I. Indicate the nature of the Disclosing Party.

- Person
- Publicly registered business corporation
- Privately held business corporation
- Sole proprietorship £<J
- General partnership (Is
- Limited partnership
- Trust

Limited liability company Limited liability partnership Joint venture

Not-for-profit corporation the not-for-profit corporation also a 501(c)(3)?

Yes  No Other (please specify)

2. For legal entities, the state (or foreign country) of incorporation or organization, if applicable.

ZCJLIMJ}jS\_ .

3. For legal entities not organized in the State of Illinois Has the organization registered to do business in the State of Illinois as a foreign entity?"

Yes  No  Organized in Illinois

B. IF THE DISCLOSING PARTY IS A LEGAL ENTITY:

1. List below the full names and titles, if applicable, of: (i) all executive officers and all directors of the entity, (ii) for not-for-profit corporations, all members, if any, which are legal entities (if there are no such members, write "no members which are legal entities"); (iii) for trusts, estates or other similar entities, the trustee, executor, administrator, or similarly situated party; (iv) for general or limited partnerships, limited liability companies, limited liability partnerships or joint ventures, each general partner, managing member, manager or any other person or legal entity that directly or indirectly controls the day-to-day management of the Applicant.

NOTE: Each legal entity listed below must submit an EDS on its own behalf.

Name Title

Sgp Ati ggX^c? / tst

f0 rrxh-er< \A)k\cL (Xr^

p\_-/Ct,fV e S

2. Please provide the following information concerning each person or legal entity having a direct or indirect, current or prospective (i.e. within 6 months after City action) beneficial interest (including ownership) in excess of 7.5% of the Applicant. Examples of such an interest include shares in a corporation, partnership interest in a partnership or joint venture, interest of a member or manager in a

Page 2 of 15

limited liability company, or interest of a beneficiary of a trust, estate or other similar entity. If none, state "None."

NOTE: Each legal entity listed below may be required to submit an EDS on its own behalf

Name	Business Address	Percentage Interest in the Applicant
------	------------------	--------------------------------------

^IAAfL.

**SECTION III -- INCOME OR COMPENSATION TO, OR OWNERSHIP BY, CITY ELECTED OFFICIALS**

Has the Disclosing Party provided any income or compensation to any City elected official during the 12-month period preceding the date of this EDS?  Yes  No

Does the Disclosing Party reasonably expect to provide any income or compensation to any City-elected official during the 12-month period following the date of this EDS?  Yes  No

If "yes" to either of the above, please identify below the name(s) of such City elected official(s) and describe such income or compensation'

Does any City elected official or, to the best of the Disclosing Party's knowledge after reasonable inquiry, any City elected official's spouse or domestic partner, have a financial interest (as defined in Chapter 2-156 of the Municipal Code of Chicago ("MCC")) in the Disclosing Party?  Yes  No

If "yes," please identify below the name(s) of such City elected official(s) and/or spouse(s)/domestic partner(s) and describe the financial interest(s).

**SECTION IV - DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES**

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist (as defined in MCC Chapter 2-156), accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll. If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the City whether disclosure is required or make the disclosure

Page 3 of 15

Name (indicate whether Business retained or anticipated Address to be retained)  
Relationship to Disclosing Party (subcontractor, attorney, lobbyist, etc.)  
Fees (indicate whether paid or estimated ) NOTE: "hourly rate" or "t.bd." is not an acceptable response

(Add sheets if necessary)

Check here if the Disclosing Party has not retained, nor expects to retain, any such persons or entities.

## SECTION V -- CERTIFICATIONS

### A COURT-ORDERED CHILD SUPPORT COMPLIANCE

Under MCC Section 2-92-415, substantial owners of business entities that contract with the City must remain in compliance with their child support obligations throughout the contract's term.

Has any person who directly or indirectly owns 10% or more of the Disclosing Party been declared in arrearage on any child support obligations by any Illinois court of competent jurisdiction?

Yes  No  No person directly or indirectly owns 10% or more of the Disclosing Party.

If "Yes," has the person entered into a court-approved agreement for payment of all support owed and is the person in compliance with that agreement?

Yes  No

### B FURTHER CERTIFICATIONS

1 [This paragraph 1 applies only if the Matter is a contract being handled by the City's Department of Procurement Services] In the 5-year period preceding the date of this EDS, neither the Disclosing Party nor any Affiliated Entity [see definition in (5) below] has engaged, in connection with the performance of any public contract, the services of an integrity monitor, independent private sector inspector general, or integrity compliance consultant (i.e., an individual or entity with legal, auditing, investigative, or other similar skills, designated by a public agency to help the agency monitor the activity of specified agency vendors as well as help the vendors reform their business practices so they can be considered for agency contracts in the future, or continue with a contract in progress).

2 The Disclosing Party and its Affiliated Entities are not delinquent in the payment of any fine, fee, tax or other source of indebtedness owed to the City of Chicago, including, but not limited to, water and sewer charges, license fees, parking tickets, property taxes and sales taxes, nor is the Disclosing Party delinquent in the payment of any tax administered by the Illinois Department of Revenue.

Page 4 of 15

3 The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section 11(B)(1) of this EDS.

a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;

b. have not, during the 5 years before the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with, obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud, embezzlement; theft; forgery; bribery; falsification or destruction of records, making false statements, or receiving

stolen property;

c. are not presently indicted for, or criminally or civilly charged by, a governmental entity (federal, state or local) with committing any of the offenses set forth in subparagraph (b) above,

d. have not, during the 5 years before the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default, and

e. have not, during the 5 years before the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the City or by the federal government, any state, or any other unit of local government.

4. The Disclosing Party understands and shall comply with the applicable requirements of MCC Chapters 2-56 (Inspector General) and 2-156 (Governmental Ethics).

5. Certifications (5), (6) and (7) concern.

- the Disclosing Party,
- any "Contractor" (meaning any contractor or subcontractor used by the Disclosing Party in connection with the Matter, including but not limited to all persons or legal entities disclosed under Section IV, "Disclosure of Subcontractors and Other Retained Parties"),
- any "Affiliated Entity" (meaning a person or entity that, directly or indirectly: controls the Disclosing Party, is controlled by the Disclosing Party, or is, with the Disclosing Party, under common control of another person or entity) Indicia of control include, without limitation: interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees; or organization of a business entity following the ineligibility of a business entity to do business with federal or state or local government, including the City, using substantially the same management, ownership, or principals as the ineligible entity. With respect to Contractors, the term Affiliated Entity means a person or entity that directly or indirectly controls the Contractor, is controlled by it, or, with the Contractor, is under common control of another person or entity;
- any responsible official of the Disclosing Party, any Contractor or any Affiliated Entity or any other official, agent or employee of the Disclosing Party, any Contractor or any Affiliated Entity, acting pursuant to the direction or authorization of a responsible official of the Disclosing Party, any Contractor or any Affiliated Entity (collectively "Agents")

Page 5 of 15

Neither the Disclosing Party, nor any Contractor, nor any Affiliated Entity of either the Disclosing Party or any Contractor, nor any Agents have, during the 5 years before the date of this EDS, or, with respect to a Contractor, an Affiliated Entity, or an Affiliated Entity of a Contractor during the 5 years before the date of such Contractor's or Affiliated Entity's contract or engagement in connection with the Matter.

a. bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the City, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity;

b. agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of

competition by agreement to bid a fixed price or otherwise, or

c. made an admission of such conduct described in subparagraph (a) or (b) above that is a matter of record, but have not been prosecuted for such conduct, or

d. violated the provisions referenced in MCC Subsection 2-92-320(a)(4)(Contracts Requiring a Base Wage), (a)(5) (Debarment Regulations); or (a)(6)(Minimum Wage Ordinance).

6. Neither the Disclosing Party, nor any Affiliated Entity or Contractor, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of (1) bid-rigging in violation of 720 ILCS 5/33E-3; (2) bid-rotating in violation of 720 ILCS 5/33E-4, or (3) any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating

7. Neither the Disclosing Party nor any Affiliated Entity is listed on a Sanctions List maintained by the United States Department of Commerce, State, or Treasury, or any successor federal agency.

8. [FOR APPLICANT ONLY] (i) Neither the Applicant nor any "controlling person" [see MCC Chapter 1-23, Article I for applicability and defined terms] of the Applicant is currently indicted or charged with, or has admitted guilt of, or has ever been convicted of, or placed under supervision for, any criminal offense involving actual, attempted, or conspiracy to commit bribery, theft, fraud, forgery, perjury, dishonesty or deceit against an officer or employee of the City or any "sister agency", and (ii) the Applicant understands and acknowledges that compliance with Article 1 is a continuing requirement for doing business with the City NOTE. If MCC Chapter 1 -23, Article 1 applies to the Applicant, that Article's permanent compliance timeframe supersedes 5-year compliance timeframes in this Section V.

9 [FOR APPLICANT ONLY] The Applicant and its Affiliated Entities will not use, nor permit their subcontractors to use, any facility listed as having an active exclusion by the U.S. EPA on the federal System for Award Management ("SAM").

10. [FOR APPLICANT ONLY] The Applicant will obtain from any contractors/subcontractors hired or to be hired in connection with the Matter certifications equal in form and substance to those in Certifications (2) and (9) above and will not, without the prior written consent of the City, use any such

Page 6 of 5

contractor/subcontractor that does not provide such certifications or that the Applicant has reason to believe has not provided or cannot provide truthful certifications.

11. If the Disclosing Party is unable to certify to any of the above statements in this Part B (Further Certifications), the Disclosing Party must explain below

\_\_\_\_\_,

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements

12 To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all current

employees of the Disclosing Party who were, at any time during the 12-month period preceding the date of this EDS, an employee, or elected or appointed official, of the City of Chicago (if none, indicate with "N/A" or "none").

JL£A\_\_

13 . To the best of the Disclosing Party's knowledge after reasonable inquiry, the following is a complete list of all gifts that the Disclosing Party has given or caused to be given, at any time during the 12-month period preceding the execution date of this EDS, to an employee, or elected or appointed official, of the City of Chicago. For purposes of this statement, a "gift" does not include (i) anything made generally available to City employees or to the general public, or (ii) food or drink provided in the course of official City business and having a retail value of less than \$25 per recipient, or (iii) a political contribution otherwise duly reported as required by law (if none, indicate with "N/A" or "none"). As to any gift listed below, please also list the name of the City recipient

/Uwif

-

C CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION

1 The Disclosing Party certifies that the Disclosing Party (check one)

is  is not

a "financial institution" as defined in MCC Section 2-32-455(b)

2. If the Disclosing Party IS a financial institution, then the Disclosing Party pledges:

"We are not and will not become a predatory lender as defined in MCC Chapter 2-32. We further pledge that none of our affiliates is, and none of them will become, a predatory lender as defined in MCC Chapter 2-32. We understand that becoming a predatory lender or becoming an affiliate of a predatory lender may result in the loss of the privilege of doing business with the City."

Page 7 of 15

If the Disclosing Party is unable to make this pledge because it or any of its affiliates (as defined in MCC Section 2-32-455(b)) is a predatory lender within the meaning of MCC Chapter 2-32, explain here (attach additional pages if necessary):

fV/r

—

.....

If the letters "NA," the word "None," or no response appears on the lines above, it will be conclusively presumed that the Disclosing Party certified to the above statements.

D CERTIFICATION REGARDING FINANCIAL INTEREST IN CITY BUSINESS

Any words or terms defined in MCC Chapter 2-156 have the same meanings if used in this Part D.

1 In accordance with MCC Section 2-156-110: To the best of the Disclosing Party's knowledge after reasonable inquiry, does any official or employee of the City have a financial interest in his or her own name or in the name of any other person or entity in the Matter?

NOTE. If you checked "Yes" to Item D( 1), proceed to Items D(2) and D(3) If you checked "No" to Item D(1), skip Items D(2) and D(3) and proceed to Part E

2 Unless sold pursuant to a process of competitive bidding, or otherwise permitted, no City elected official or employee shall have a financial interest in his or her own name or in the name of any other person or entity in the purchase of any property that (i) belongs to the City, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the City (collectively, "City Property Sale") Compensation for property taken pursuant to the City's eminent domain power does not constitute a financial interest within the meaning of this Part D

Does the Matter involve a City Property Sale?

J Yes  X No

3 If you checked "Yes" to Item D(1), provide the names and business addresses of the City officials or employees having such financial interest and identify the nature of the financial interest:

Name	Business Address	Nature of Financial Interest
------	------------------	------------------------------

4 The Disclosing Party further certifies that no prohibited financial interest in the Matter will be acquired by any City official or employee

### E CERTIFICATION REGARDING SLAVERY ERA BUSINESS

Please check either (1) or (2) below If the Disclosing Party checks (2), the Disclosing Party must disclose below or in an attachment to this EDS all information required by (2) Failure to comply with these disclosure requirements may make any contract entered into with the City in connection with the Matter voidable by the City.

X\_1 The Disclosing Party verifies that the Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era (including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of their slaves), and the Disclosing Party has found no such records.

2. The Disclosing Party verifies that, as a result of conducting the search in step (1) above, the Disclosing Party has found records of investments or profits from slavery or slaveholder insurance policies. The Disclosing Party verifies that the following constitutes full disclosure of all such records, including the names of any and all slaves or slaveholders described in those records

## SECTION VI -- CERTIFICATIONS FOR FEDERALLY FUNDED MATTERS

NOTE If the Matter is federally funded, complete this Section VI. If the Matter is not federally funded, proceed to Section VII. For purposes of this Section VI, tax credits allocated by the City and proceeds of debt obligations of the City are not federal funding.

### A CERTIFICATION REGARDING LOBBYLNG

1 List below the names of all persons or entities registered under the federal Lobbying Disclosure Act of 1995, as amended, who have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter (Add sheets if necessary ).

(If no explanation appears or begins on the lines above, or if the letters "NA" or if the word "None" appear, it will be conclusively presumed that the Disclosing Party means that NO persons or entities registered under the Lobbying Disclosure Act of 1995, as amended, have made lobbying contacts on behalf of the Disclosing Party with respect to the Matter.)

2. The Disclosing Party has not spent and will not expend any federally appropriated funds to pay any person or entity listed in paragraph A(I) above for his or her lobbying activities or to pay any person or entity to influence or attempt to influence an officer or employee of any agency, as defined by applicable federal law, a member of Congress, an officer or employee of Congress, or an employee

Vcr.2018-1

Page 9 of 15

of a member of Congress, in connection with the award of any federally funded contract, making any federally funded grant or loan, entering into any cooperative agreement, or to extend, continue, renew, amend, or modify any federally funded contract, grant, loan, or cooperative agreement.

3. The Disclosing Party will submit an updated certification at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the statements and information set forth in paragraphs A(1) and A(2) above.

4. The Disclosing Party certifies that either (i) it is not an organization described in section 501(c)(4) of the Internal Revenue Code of 1986, or (ii) it is an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 but has not engaged and will not engage in "Lobbying Activities," as that term is defined in the Lobbying Disclosure Act of 1995, as amended.

5 If the Disclosing Party is the Applicant, the Disclosing Party must obtain certifications equal in form and substance to paragraphs A( 1) through A(4) above from all subcontractors before it awards any subcontract and the Disclosing Party must maintain all such subcontractors' certifications for the duration of the Matter and must make such certifications promptly available to the City upon request

### B CERTIFICATION REGARDING EQUAL EMPLOYMENT OPPORTUNITY

If the Matter is federally funded, federal regulations require the Applicant and all proposed subcontractors to submit the following information with their bids or in writing at the outset of negotiations

Is the Disclosing Party the Applicant?

Yes  No

If "Yes," answer the three questions below:

1. Have you developed and do you have on file affirmative action programs pursuant to applicable federal regulations<sup>7</sup> (See 41 CFR Part 60-2.)

Yes  No

2. Have you filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance Programs, or the Equal Employment Opportunity Commission all reports due under the applicable filing requirements?

Yes  No  Reports not required

3. Have you participated in any previous contracts or subcontracts subject to the equal opportunity clause?

Yes  No

If you checked "No" to question (1) or (2) above, please provide an explanation:

Page 10 of 15

## SECTION VII -- FURTHER ACKNOWLEDGMENTS AND CERTIFICATION

The Disclosing Party understands and agrees that:

A. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract or other agreement between the Applicant and the City in connection with the Matter, whether procurement, City assistance, or other City action, and are material inducements to the City's execution of any contract or taking other action with respect to the Matter. The Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.

B. The City's Governmental Ethics Ordinance, MCC Chapter 2-156, imposes certain duties and obligations on persons or entities seeking City contracts, work, business, or transactions. The full text of this ordinance and a training program is available on line at [www.cityofchicago.org/Ethics](http://www.cityofchicago.org/Ethics) <<http://www.cityofchicago.org/Ethics>>, and may also be obtained from the City's Board of Ethics, 740 N. Sedgwick St, Suite 500, Chicago, IL 60610, (312) 744-9660. The Disclosing Party must comply fully with this ordinance.

C. If the City determines that any information provided in this EDS is false, incomplete or inaccurate, any contract or other agreement in connection with which it is submitted may be rescinded or be void or voidable, and the City may pursue any remedies under the contract or agreement (if not rescinded or void), at law, or in equity, including terminating the Disclosing Party's participation in the Matter and/or declining to allow the Disclosing Party to participate in other City

transactions. Remedies at law for a false statement of material fact may include incarceration and an award to the City of treble damages.

D. It is the City's policy to make this document available to the public on its Internet site and/or upon request. Some or all of the information provided in, and appended to, this EDS may be made publicly available on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims which it may have against the City in connection with the public release of information contained in this EDS and also authorizes the City to verify the accuracy of any information submitted in this EDS.

E. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the City takes action on the Matter. If the Matter is a contract being handled by the City's Department of Procurement Services, the Disclosing Party must update this EDS as the contract requires. NOTE: With respect to Matters subject to MCC Chapter 1-23, Article I (imposing PERMANENT INELIGIBILITY for certain specified offenses), the information provided herein regarding eligibility must be kept current for a longer period, as required by MCC Chapter 1-23 and Section 2-154-020.

Page 11 of 15

CERTIFICATION

Under penalty of perjury, the person signing below (1) warrants that he/she is authorized to execute this EDS, and all applicable Appendices, on behalf of the Disclosing Party, and (2) warrants that all certifications and statements contained in this EDS, and all applicable Appendices, are true, accurate and complete as of the date furnished to the City.

(Print or type exact legal name of Disclosing Party)  
sign here)

**f)Qfl tio.(f\la->\J,**

(Print or type name of person signing)

(Print or type title of person signing)

Signed and sworn to before me on (date) f\pr\ [ l\$/ Q-Q^-X

at C oo K County, J j \ r \ d i s (state).

OFFICIAL SEAL 8AU.YEHAMANN NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 03X17/2026

Commission expires:

Page 12 of 15

**CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND  
AFFIDAVIT  
APPENDIX A**

**FAMILIAL RELATIONSHIPS WITH ELECTED CITY OFFICIALS AND  
DEPARTMENT HEADS**

**This Appendix is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5%. It is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.**

Under MCC Section 2-154-015, the Disclosing Party must disclose whether such Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently has a "familial relationship" with any elected city official or department head. A "familial relationship" exists if, as of the date this EDS is signed, the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof is related to the mayor, any alderman, the city clerk, the city treasurer or any city department head as spouse or domestic partner or as any of the following, whether by blood or adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister or half-brother or half-sister.

"Applicable Party" means (1) all executive officers of the Disclosing Party listed in Section 11.B.1 a., if the Disclosing Party is a corporation; all partners of the Disclosing Party, if the Disclosing Party is a general partnership, all general partners and limited partners of the Disclosing Party, if the Disclosing Party is a limited partnership, all managers, managing members and members of the Disclosing Party, if the Disclosing Party is a limited liability company, (2) all principal officers of the Disclosing Party; and (3) any person having more than a 7.5% ownership interest in the Disclosing Party. "Principal officers" means the president, chief operating officer, executive director, chief financial officer, treasurer or secretary of a legal entity or any person exercising similar authority.

Does the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently have a "familial relationship" with an elected city official or department head?

If yes, please identify below (1) the name and title of such person, (2) the name of the legal entity to which such

person is connected; (3) the name and title of the elected city official or department head to whom such person has a familial relationship, and (4) the precise nature of such familial relationship.

Page 13 of 5

**CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND  
AFFIDAVIT  
APPENDIX B**

**BUILDING CODE SCOFFLAW/PROBLEM LANDLORD CERTIFICATION**

This Appendix is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5% (an "Owner"), it is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.

1. Pursuant to MCC Section 2-154-010, is the Applicant or any Owner identified as a building code scofflaw or problem landlord pursuant to MCC Section 2-92-416?

Yes  No

2. If the Applicant is a legal entity publicly traded on any exchange, is any officer or director of the Applicant identified as a building code scofflaw or problem landlord pursuant to MCC Section 2-92-416?

Yes  No  The Applicant is not publicly traded on any exchange.

3. If yes to (1) or (2) above, please identify below the name of each person or legal entity identified as a building code scofflaw or problem landlord and the address of each building or buildings to which the pertinent code violations apply.

Page 14 of IS

**CITY OF CHICAGO ECONOMIC DISCLOSURE STATEMENT AND  
AFFIDAVIT  
APPENDIX C**

**PROHIBITION ON WAGE & SALARY HISTORY SCREENING - CERTIFICATION**

This Appendix is to be completed only by an Applicant that is completing this EDS as a "contractor" as defined in MCC Section 2-92-385. That section, which should be consulted ([www.amlegal.com](http://www.amlegal.com) <<http://www.amlegal.com>>generally covers a party to any agreement pursuant to which they: (i) receive City of Chicago funds in consideration for services, work or goods provided (including for legal or other professional services), or (ii) pay the City money for a license, grant or concession allowing them to conduct a business on City premises.

On behalf of an Applicant that is a contractor pursuant to MCC Section 2-92-385, I hereby certify that the Applicant is in compliance with MCC Section 2-92-385(b)(1) and (2), which prohibit: (i) screening job applicants based on their wage or salary history, or (ii) seeking job applicants' wage or salary history from current or former employers. I also certify that the Applicant has adopted a policy that includes those prohibitions.

Yes

No

This certification shall serve as the affidavit required by MCC Section 2-92-385(c)(1).

If you checked "no" to the above, please explain.

Page 15 of 15

# neighborspace

14 5 N . SACRAMENTO BLVD, SUITE 204, CHICAGO, IL 60612 | 773-S26-324 0 | WWW N EIGHB0R-SFACE.ORG <http://EIGHB0R-SFACE.ORG>

## BOARD OF DIRECTORS

### PRESIDENT Cathy Breitenbach

Chicago Park District

VICE PRESIDENT Commissioner Gia Biagi

Chicago Department of

### SECRETARY Wyllis Mann

MVAH Panners. U.C

### Commissioner

Allison Arwady

Chicago Department of Public Health

### Walter Burnett, Jr.

Alcerman Architecture

Commissioner Dennis Deer

Forest Preserve District of Cook County

### Rosa Escarano

Chicago Park District

### Dr. Shemuel Israel North Lawn Care Greening Coirrittec

Ari Krigei

Freeborn & Pete's. LLC

### Commissioner Jose Munoz Chicago Park District

### Arnold Randall

Forest Preserve District of Cook County

### Jacquelyn

Forest Preserve District of Cook County

### Christy Webber

Christy Webber Landscapes

### President

Cathy Breitenbach

Director of Cultural and Natural

Resources

Chicago Park District 541 North Fairbanks Court Chicago, IL 60611 (312)742-4946

cathy.breitenbach@chicagoparkdistrict.com <mailto:cathy.breitenbach@chicagoparkdistrict.com>

### Vice-President

Gia Biagi Commissioner

Chicago Department of Transportation

30 N. LaSalle Street

Suite 1100

Chicago, IL 60602

312.744.3600  
gia.biagi@cityofchicago.org <mailto:gia.biagi@cityofchicago.org>

Secretary  
Wyllys Mann MVAH Partners, LLC Regional Development Director wyllysmann@gmail.com  
<mailto:wyllysmann@gmail.com>

Directors

Dr. Allison Arwady Commissioner  
Chicago Department of Public Health 333 S. State Street, Room 200 Chicago, IL 60604 312-747-9870  
allison.arwady@cityofchicago.org <mailto:allison.arwady@cityofchicago.org>,

Walter Burnett Alderman, 27<sup>th</sup> Ward 4 N Western Ave, Unit IC Chicago, IL 60612 312-432-1995  
[wburnett@cityofchicago.org](mailto:wburnett@cityofchicago.org) <mailto:wburnett@cityofchicago.org>

Dennis Deer  
Cook County Commissioner 2<sup>nd</sup> District  
118 N.Clark St, Suite 567 Chicago IL 60602 312-603-3019  
[Dennis.deer@cookcountvil.gov](mailto:Dennis.deer@cookcountvil.gov) <mailto:Dennis.deer@cookcountvil.gov>

Shemuel B. Israel, DC Healthy Habits By Design PO Box 802927. Chicago, Illinois 60680 773-722-2561  
nlgreeningcommittee@gmail.com <mailto:nlgreeningcommittee@gmail.com>

Ari W. Krigei Partner  
Freeborn & Peters, LLC  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677  
(312)360-6726  
[akrigel@freeborn.com](mailto:akrigel@freeborn.com) <mailto:akrigel@freeborn.com>

Commissioner Jose M. Munoz  
Chicago Park District  
541 North Fairbanks Court  
Chicago, IL 60611  
[Jose@lacasanorte.org](mailto:Jose@lacasanorte.org) <mailto:Jose@lacasanorte.org>

Jacqui Ulrich Director  
Conservation & Experiential Programming  
Forest Preserve District of Cook County  
536 N. Harlem  
River Forest, IL 60305  
708-771-1573

Christy Webber President  
[Christy Webber Landscapes 2900 W. Ferdinand Street Chicago, IL 60612 \(773\)533-0477 christy@christywebber.com](mailto:christy@christywebber.com)  
<mailto:christy@christywebber.com>

**Ex Officio Directors**

Arnold Randall  
General Superintendent  
Forest Preserve District of Cook County  
536 North Harlem Avenue

River Forest, IL 60305

(708)771-1511

[Arnold.Randall@cookcountyil.gov](mailto:Arnold.Randall@cookcountyil.gov) <<mailto:Arnold.Randall@cookcountyil.gov>>

Rosa Escarefio

Interim General Superintendent & CEO

Chicago Park District

541 North Fairbanks Court

Chicago, IL 60611

(312)-742-4200

[Superintendent.Escareno@](mailto:Superintendent.Escareno@chicagoparkdistrict.com)

[chicagoparkdistrict.com](http://chicagoparkdistrict.com) <<http://chicagoparkdistrict.com>>

### **Executive Director**

Ben Helphand

Executive Director

NeighborSpace

445 N. Sacramento Blvd

Chicago, IL 60612

773-826-3127

[helphand@gmail.com](mailto:helphand@gmail.com) <<mailto:helphand@gmail.com>>